

T H E
L A W S & A C T S
Made in the Third SESSION of the First
PARLIAMENT

*Of Our High and Dread SOVERAIGNS,
WILLIAM & MARY.*

*By the Grace of GOD, KING and QUEEN of
SCOTLAND, ENGLAND, FRANCE
and IRELAND, Defenders of the Faith.*

Holden at **EDINBURGH**, the third day of
September, 1690.

By a Noble Earl, **GEORGE** Earl of **MELVILL**, Viscount of *Kirkaldy*, Lord *Raith*, *Moniemail* and *Balwearie*, Sole Secretary of State for the KINGDOM of **SCOTLAND**.

Their MAJESTIES High Commissioner for Holding this Parliament by vertue of a Commission under Their Majesties Great Seal of this KINGDOM.

With the special Advice and Consent of the Estates of Parliament.

Collected and extracted from the Registers and Records of Parliament, by *John Lord Beilhaven*, *Robert Master of Burligh*, *Sir Thomas Burnet of Leyes*, *Sir Duncan Campbel of Auchinbreck*, and *John Hay of Park*, Commissioners appointed by Their Majesties for Exercing the Office of Clerk Register to Their Majesties Council, Registers and Rolls, &c.



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Cum Privilegio.



LAW S & ACT S

Made in the THIRD SESSION of the FIRST

PARLIAMENT

Of Our Most High and Dread SOVERAIGNS

WILLIAM & MARY,

*By the Grace of GOD, KING and QUEEN of
SCOTLAND, ENGLAND, FRANCE
and IRELAND, Defenders of the Faith.*

Holden at EDINBURGH the 3 day of Sep-
tember, 1690.

I.

*ACT for Unlawing and Amerciating Members absent from Parliament,
or Convention of Estates, or from the Dyets thereof.*

September 10. 1690.



UR SOVERAIGN LORD and LADY,
the King and Queens Majesties, and the Estates of
Parliament, taking to Their Consideration, that
the Absents from Parliaments by the Antient Laws,
were Unlawed and Amerciat in certain Sums of Mo-
ney, which were Renewed, and the Sums increased
by subsequent Acts, and especially by an Act of the
2. Sess. of the 1. Parl. of K. Char. 2. dated the 13 day
of May, 1662 years; Entituled, *Act concerning Members of Parliament, who
do not attend;* Whereby it is Declared, That each Noble-man who shall be
absent

absent from the Parliament, shall be lyable to the Penalty of Twelve hundred Pounds *Scots*; each Commissioner for a Shire, to the Sum of Six hundred Pounds *Scots*; and each Commissioner for a Burrow, to the Sum of Two hundred Pounds *Scots*; and that without prejudice of what further Censure the Parliament shall think fit to Infiſt. And by the Act for settling the Orders in the Parliament-house, of the same Date, it is Appointed, that all Members of Parliament do precisely keep the Dyets of Parliament, under the pains following, *viz.* Each Noble-man, for each Dyets absence without leave, Twelve Pounds *Scots*; each Baron Six Pounds, and each Burgels Three Pounds; and that they pay the just half of their Penalties for each Dyet they come in *sero*, after the Calling of the Rolls of Parliament. Therefore Their Majesties, with Advice and Consent of the Estates of Parliament, do hereby Ratifie, Renew, Confirm and Approve the foresaid Penalties contained in the two foresaid Acts of Parliament, against absents from the Parliament, and against absents from the respective Dyets thereof, or against coming in *sero* thereto, after the calling of the Rolls of Parliament: And do further extend the same against Absents from the Conventions of the Estates, and Declare that they shall be repute as Absents from the Parliament or Conventions, and lyable to the Penalties thereof, who are absent at the first day of the Parliament and Convention, the said Member being within the Kingdom for the time, and not having a reasonable excuse of his absence; and Ordain the saids Acts to be put in Execution. And Their Majesties, with Advice and Consent foresaid, Appoint the Receiver-General of the Crown-rents and Casualties for the time, to Collect and Uplift the respective Penalties of the Absents from the Parliament, or Conventions, according to a List to be given and Subscribed by the Clerks: And Ordains Horning at the instance of the said General-Receiver, to pass upon fifteen days, and all other Execution competent, for In-bringing of the Crown-rents and Casualties: And Ordains the Clerks of Session, as Deputs to the Clerk of Register in Parliament, to make Sederunts of each Dyet of Parliament or Conventions, and mark these who are absent; and that they, or any Person to be appointed by them, exact the foresaid Penalties off the Absents from the particular Dyets, and apply the same to their own use, for their pains in making the daily Sederunts, conform to this Act; and that the Clerk of Register give Certificats to the Commissioners for Shires and Burrows of their attendance in Parliament, who require the same for exacting of their Fees from the Shires and Burghs which they do represent, conform to the said Sederunts. And Ordain this present Act to be Printed, and Published at the Mercat-Cross of *Edinburgh*, that none may pretend ignorance.

I I.

ACT and Offer to Their Majesties, of Three Moneths Sess and Hearth-money, in lieu of the sixth part of the Annualrents.

September 10. 1690.



THE Estates of Parliament, taking to their serious Consideration the present State of this Kingdom, requiring a speedy and effectual course to be taken, for satisfaction of the Sums due to the several Shires and Burghs of this Kingdom, Furnished, Advanced or Payed by them to Their Majesties Forces, and of the bygone Ar-

rears

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years due to the Army, and for the suppressing the present unnatural Rebellion: And finding, that the *Act* of the Second Session of this present Parliament, Entituled, *Act for an Additional Supply out of the Annualrent of Money*, might occasion great difficulty, both in the manner how the same could be Collected, and how to discover what free Annualrents were due; and that not only the discovery thereof would be of great inconveniency, but likeways that the same would prove ineffectual for the ends for which it was proposed. Therefore the saids Estates, in lieu and place of the sixth part of Annualrents, and Annuities for one year, granted by the said *Act*, do humbly Tender and Offer to the King and Queens Majesties, the Sum of Two hundred sixteen thousand Pounds, amounting to three Moneths Cess, to be Raised and Uplifted from the Shires and Burghs of this Kingdom at *Martinmas* next to come, in this instant year, 1690. over and above the Sum of One hundred forty four thousand Pounds, being two Moneths Cess, appointed to be payed at the said Term, by the *Act* of the said Session of Parliament: And further, the saids Estates do humbly Offer to Their Majesties Fourteen shillings *Scots* for every Hearth within this Kingdom, to be payed at *Candlemas* next to come, in the year, 1691, by the Inhabitant dwelling in the Houses where the saids Hearths are; without Exception or Exemption of any, except the Hearths of Hospitals, and of poor People, who are upon the Charity of the Paroch; and where any Houses are not Inhabited, that the said Hearth-money shall be payed by the Heretor, Liferenter, or proper Wodsetter, to whom the same for the time doth belong. And it is hereby Declared, that the Three Moneths Supply and Hearth-money now given to Their Majesties, shall in the first place be applied for payment of the Sums due to the severall Shires and Burghs of this Kingdom, Furnished, Advanced, or Payed by them to His Majesties Forces, the same being instructed and liquidat, according to the Rule prescribed by the Third *Act* of the Parliament, in the year 1681. And likeways for payment of the bygone Arrears due to the Army. And because by thir present Impositions, and the former Assesment granted to Their Majesties, the Land-rent and Burghs of this Kingdom are heavily burdened; And it being just that the Personal Estates of Money should at this time bear some Proportion of the Burden: Therefore Their Majesties, with Advice and Consent of the Estates of Parliament, Statute and Ordain, that every Debitor owing Money within this Kingdom, in the payment of their Annualrents for one year, shall have retention in their own hands of a sixth part thereof, the one half whereof to be retained at *Martinmas* next to come, and the other half at the Term of *Whitsunday* 1691. years. And it is hereby Declared, that it shall be Usury not to grant the said Retention, Likeas Their Majesties, with Consent foresaid, do Rescind and Annul the foresaid *Act* of the Last Session of this Current Parliament, for an Additional Supply out of the Annualrent of Money.

III.

ACT against Robbing of the Pacquet.

September 10. 1690.



OUR SOVERAIGN LORD and LADY, Considering the great advantage that doth arise to the publick Service, and privat Interest of Commerce from the quick and safe dispatch of Letters, and Publick Orders, by the Common Post, either from this Kingdom, or to the same from *England* or *Ireland*, or from one part of the Kingdom to another; and that the Robbing or Seizing the Common Post, Mail, or Pacquet, or any other Expresses, is a notorious kind of Robbery, and most prejudicial to the Government, and Commerce of the Kingdom: Therefore Their Majesties, with Advice and Consent of the Estates of Parliament, Do Declare, that the Robbing, or Seizing the Mail, or Pacquet, or the Letters and Dispatches, going, or coming by the Common Post, or any other Expresses, as aforesaid, is Robbery, and shall be punished with Death, and Confiscation of Moveables:

IV.

ACT for Repressing the Depredations in the Highlands.

September 10. 1690.



OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, Considering the several good and laudable Laws made by Their Majesties Royal Progenitors, for Repressing the Depredations and Robberies, Committed by Sorners, Robbers, and Brokenmen in the Highlands, and the Shires next adjacent thereto, which have not hitherto taken full effect: And that the late Meeting of the Estates did humbly Represent the same to Their Majesties, to be Redressed, and that the saids Robberies and Depredations are much encouraged and encreased, by reason of the present Rebellion, chiefly to the prejudice of such of Their Majesties Subjects, who are most peaceable, and best affected to Their Majesties Laws and Government, wherethrough it is necessary, that not only the former Laws made thereanent should be Revived; But likewise a further remedy should be provided thereto, by this present Act: Therefore Their Majesties, with Advice and Consent of the Estates of Parliament, Do hereby, not only Revive, Ratifie and Approve the saids whole Laws and Acts made for Repressing Sornings, Robberies and Depredations, in so far as they are not altered or innovat by this present Act: But further, Do Statute, Ordain, and Enact, That where any Sornings, Robberies, or Depredations are committed in the Shires following, viz. The Shires of *Argyle*, *Bute*, *Dumbrilton*, *Striviling*, *Clackmannan*, *Kinross*, *Perth*, *Forfar*, *Kincardine*, *Aberdene*, *Bamff*, *Elgine*, *Nairn*, *Inverness*, *Ross*, *Cromerty*, *Sutherland* and *Caithness*, the whole Heretors, Lifereuters, and proper Wodsetters within the particular Paroch, where such Depredations, Sornings, and Robberies are committed, and within the whole Paroches adjacent to, and marching with the said particular Paroch, shall

shall be lyable to refound to the party damnified, through the faids Sornings, Depredations, and kobberies, the loss to be sustained thereby, proportionally according to their valued rent within the faids Paroches: Providing the Damages sustained be in Horse, Nolt, Sheep, Goats, or other Cattel and Corns allanerly, and no otherways; And the faids Heretors are hereby Authorized and Impowered to exact and uplift from their respective Tennents, and others dwelling on their Lands for their relief, the just and equal half of their faids respective proportions, and to divide the same amongst them, as they find just, the said relief not exceeding the just and equal half of their respective proportions, as said is. And it is hereby Statute and Ordained, that the Damages and losses to be sustained by such Depredations, may, and shall be liquidat by the Commissioners of Supply, within the respective Shires, where the faids whole Paroches do ly, or any three of the faids Commissioners, who are hereby Authorized to be a sufficient *Quorum*, for making this Act effectual, and that upon a Citation of fifteen dayes, to be executed at the Mercat Crosse of the Head-Burghs of the respective Shires on a Mercat Day, betwixt ten and twelve a Clock in the Forenoon, and whole Paroch Kirks lyable by this Act *respectively*, on a Sabbath Day, betwixt ten a Clock in the Forenoon, and two a Clock in the Afternoon, and that providing there be *tutus accessus*, for making the faids Intimations, Summoning all parties having interest to appear at such places, as the faids Commissioners, or *Quorum* of them, hereby Authorized, shall appoint; with power to them after Liquidation of the said Damage, to divide the same among the respective Heretors, according to their respective Valuations within the faids Paroches, and to give out Precepts for Poynding, and Orders for Quartering, as for Their Majesties Supply. And it is further Enacted and Ordained, that where a Harship or Depredation shall be carryed through any other Lands, the Paroches which are hereby lyable, shall have proportional Relief from the Heretors and Tennents of these Lands, through which they pass, or re-pass, as if the faids Lands were within the faids Paroches where the Damages is sustained, albeit the Depredators do not rest upon these Lands, unless the Heretors, Tennents and Inhabitants in these Lands, through which the Depredators pass, both raise the Hue and Cry after them, and rise in Arms to concur for recovering the Goods, and Seizing the persons of the faids Depredators, Sorners and Robbers. And it is also hereby Declared, that this present Act is without prejudice of former Acts against Depredations, and that whatsoever Sums shall be payed by any Paroches, by vertue of this Act, the Paroch or Paroches so paying, shall have relief thereof against these lyable, conform to former Laws. As also, it is hereby specially Provided and Declared, that the persons upon whom the Depredations and Robberies shall be committed, shall have no benefit of Relief competent to them, unless they raise the Hue and Cry to their Neighbours, that they may pursue after the faids Depredators, Sorners and Robbers, and so from Paroch to Paroch; and that these Neighbours, who shall not follow the Hue and Cry, may, *Besides their being lyable conform to this Act*, be further punished as Their Majesties Privy Council shal think fit; And sicklike, it is Provided and Declared, that such Landlords and Heretors, who shall after committing of the Depredations, Reset, Converse, or Intercommune with the Depredators, Sorners or Robbers, shall have neither Action nor Relief competent

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to them by this present Act; And for the more speedy and punctual execution hereof, Ordains this present Act immediatly to be Printed, and Published at the Mercat Crofs of *Edinburgh*, and at the Mercat Crosses of the Head Burghs of the saids whole respective Shires, and whole Paroch Churches therein, to which there is *intus accessus* for the present; and that the same shall take effect within forty eight houres after the same beis Published at the respective Mercat Crosses, as said is, notwithstanding of any Law or Act of Parliament, suspending the effect of Laws for a longer time, after Enacting or Publication thereof. It is always hereby Provided and Declared, that this present Act, in so far as the same does import any Innovation, alteration, or addition to the former Laws against Depredations and Robberies, shall only endure, have strength and effect till the first of *January* 1692. years.

V.

ACT Salvo jure Cuiuslibet.
September 10. 1690.



UR SOVERAIGN LORD and LADY, the King and Queens Majesties, taking to Their Consideration, that there are some Acts of Ratifications, and other Acts past in this Session of Parliament, in favours of particular persons, without calling, or hearing of such as may be thereby concerned, or prejudged: Therefore Their Majesties, with Advice and Consent of the Estates of Parliament, Statutes and Ordains, that all such particular Acts, and Acts of Ratifications, past in manner foresaid, shall not prejudice any third party of their lawfull Rights, nor of their Actions and Defences, competent thereupon, before the making of the saids particular Acts, and Acts of Ratifications; and that the Lords of Session, and all other Judges of this Kingdom, shall be obliged to Judge betwixt parties according to their severall Rights standing in their persons before the making of the saids Acts: Which are hereby Exponed, and Declared to have been made *Salvo jure cuiuslibet*.

VI.

ACT of Adjournment.
September 10. 1690.



HE KING and QUEENS MAJESTIES Declare this Parliament Current, and Adjourns the same to the twenty two day of *October* next, 1690. and Ordain all Members of Parliament to attend that Day, and that there be no new Election of Commissioners from Shires or Burghs, except upon the Death of some of the present Commissioners: And also excepting any new Elections to be made by these Shires, who by an Act past in the last Session of this Parliament, are allowed to send more Commissioners than formerly they were in use to send, and who have not already made these Elections.

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Collected and Extracted from the Registers and Records of Parliament, by us Under-subscribers, Commissioners appointed by Their Majesties for Exercing the Office of Clerk Register,

Beilhaven,
Tho: Burnet,

Ro: Balfour,
Dum: Campbell,
J. Hay.

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A T A B L E

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Protestation by Sir Patrick Murray, in name of the Lady Pitcur, that the Forfeiture of the Laird of Pitcur might not prejudice her or her Children.

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A Table of the Un-printed Acts.

Protestation by Captain *Charles Straiton*, that the Forfeiture of the late Viscount of *Dundee*, prejudge not him of a Debt due by the said Viscount to him.

Remit to the Council anent *Pioneers and Baggage Horse*.

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Act and Remit in favours of the Laird of *Grant*, anent the Fine of *Broddie* of *Lethin*.

Act and Remit in favours of Sir *John Hall* Provost of *Edinburgh*, anent the Laird of *Broddie's* Fine.

Act and Remit in favours of Mr. *Roderick McKenzie* younger *Advocat*, anent the Forfeiture of *Dalvennan*.

Act and Remit in favours of *Charles Oliphant* of *Langtoun*, anent the Forefeiture of *Patrick Liston*.

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Act and Remit in favours of the Laids of *Orbistoun* and *William Hamilton* of *Wishaw*, anent the Forfeiture of *Monkland*.

Act and Remit in favours of *Hugh Stevenson*, anent the Forfeiture of *Montgrenand*.

Act and Remit in favours of the Earl of *Belcarras*, anent the refounding of the Composition payed to him for the Forfeiture of *Denholm* of *West Shiel*.

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Act and Remit in favours of *Andrew Mcmillan* of *Craignell* and his Heirs, against *Hugh Wallace* of *Englistoun*.

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